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# San Diego City Attorney **MICHAEL J. AGUIRRE**

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## **NEWS RELEASE**

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### **AGUIRRE APPEARS BEFORE RETIREMENT BOARD TO OPPOSE THE USE OF TAXPAYER MONEY TO PAY FOR CRIMINAL DEFENSE OF TWO PENSION OFFICIALS**

**San Diego, CA:** City Attorney Michael Aguirre appeared today before the San Diego City Employees' Retirement Board (SDCERS) to vehemently oppose the use of taxpayer money to pay for the criminal legal defense of two pension officials who were indicted on January 6<sup>th</sup> by a Federal Grand Jury. The motion to indemnify and defend former executive director Lawrence Grissom and former legal counsel Lori Chapin failed for lack of a majority vote.

"This should be comforting news to pensioners whose pension plan is almost \$2-billion in the hole due to the irresponsibility of Grissom and Chapin," said City Attorney Aguirre.

Before the vote, SDCERS' counsel reviewed California Government Code section 995.8 that applies to providing for the defense of an employee or former employee against criminal charges. The Board had to affirmatively agree to four findings:

- The conduct was within the employee's scope of employment
- Providing a defense would be in the best interests of the system
- The employee acted in good faith
- The employee acted in the apparent interest of the system

The motion to defend and indemnify failed because a majority vote from the 13-member board was required. Nine members were present. Five supported the motion, but it failed with SDCERS board members Joe Flynn and Thomas Hebrank voting against the motion and Richard Kipperman abstained.

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